

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12878 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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GANDABHAI BHAGVANBHAI PARMAR

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 12878 of 2000
MR KG SUKHWANI for Petitioner
MS NANDINI JOSHI, AGP for Respondent No. 1-2

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 06/07/2001

ORAL JUDGEMENT

Rule. Ms Nandini Joshi, learned AGP waives service of Rule for the respondents.

2. What is challenged in this petition under Article 226 of the Constitution is the order dated 17.11.2000 (Annexure "H") passed by the Executive Engineer, R&B

Department, Amreli cancelling the petitioner's registration as an approved contractor in "B" category.

3. It is not necessary to set out all the facts in detail nor to enumerate the contentions raised in this petition because the petition is required to be disposed of on the short ground that the impugned order has been passed to the prejudice of the petitioner without giving the petitioner any opportunity of being heard. It thus amounts to violation of principles of natural justice. Therefore, the impugned order dated 17.11.2000 (Annexure "H") is required to be quashed and set aside with liberty to the respondents to pass fresh orders in accordance with law after giving the petitioner an opportunity of being heard.

4. The petition is accordingly allowed. The impugned order dated 17.11.2000 (Annexure "H") is quashed and set aside with liberty to the respondents to pass appropriate orders in accordance with law after giving the petitioner an opportunity of being heard.

Rule is made absolute to the aforesaid extent with no order as to costs.

(M.S. Shah, J.)
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